

GreenspoonMarder^{LLP}

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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/10/2021

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February 9, 2021

VIA ECF

Hon. Valerie E. Caproni
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

**Re: *Team 125, Inc. v. United States Aviation Underwriters, Inc. and Eastern Airlines, LLC*,
No. 1:20-cv-11025-VEC (S.D.N.Y.)**

Dear Judge Caproni:

We represent Plaintiff Team 125, Inc. (“Team 125”) in the above-referenced matter, and write in accordance with the Court’s Individual Practices to request, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, an adjournment or extension of fourteen (14) days of: (a) Team 125’s deadline to respond to Defendant Eastern Airlines, LLC’s (“Eastern”) Motion to Dismiss (the “Motion to Dismiss”); (b) the Initial Pretrial Conference scheduled for February 19, 2021 at 11:30 a.m.; and (c) the deadline for the parties to submit the joint letter and a Civil Case Management Plan and Scheduling Order. The deadline to respond to the Motion to Dismiss and to submit the joint letter and Civil Case Management Plan and Scheduling Order is February 11, 2021.

Rule 6(b)(1) of the Federal Rules of Civil Procedures provides that “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.”

As good cause, Team 125 submits that its lead counsel, Germain Labat of Greenspoon Marder LLP (whose *pro hac vice* application will be forthcoming), requires additional time to prepare a response to the Motion to Dismiss as he has unfortunately been attending to the care of his father, who recently passed away as a result of a seven-week battle with COVID-19. Mr. Labat has for the past several days been attending to family obligations and making arrangements for funeral services. Adding to Mr. Labat’s unavailability, the associate on the file and primarily responsible for the management of this and several other of Mr. Labat’s cases, Michael J. Dailey,

left the firm and has withdrawn from this action. *See* Dkt. Nos. 21 & 22. Additional time is therefore required to prepare Team 125's response to the Motion to Dismiss, which is anticipated to be an amended complaint, and Team 125 respectfully requests a relatively limited extension of fourteen (14) days to respond to the Motion to Dismiss, from February 11, 2021 to February 25, 2021.

As further good cause, based on initial communications, counsel for Team 125 believes that at least some of the claims could be resolved so as to narrow, if not entirely reduce, the scope of the case, and the requested extension would also allow the parties to further explore settlement.

The same circumstances are also the reasons for the requested extension of the deadline to submit the joint letter and Civil Case Management Plan and Scheduling Order and to adjourn the Initial Pretrial Conference by fourteen (14) days, to February 25, 2021 and March 5, 2021, respectively. Given lead counsel's unavailability, counsel for Team 125 has been unable to conduct the Rule 26(f) conference and discuss the Civil Case Management Plan and Schedule Order with counsel for Defendants.

Lead counsel for Team 125, Mr. Labat, conferred by telephone and e-mail with David J. Harrington, counsel for United States Aviation Underwriters, Inc., and Jeremy Cohen, counsel for Eastern. Mr. Harrington advised that his client does not oppose the requested extensions and enlargements of time. Mr. Cohen needed to confer with his client but has not yet responded as of the writing of this letter.

Team 125 submits that no party will be prejudiced by the requested extension and/or adjournment of the requested dates by fourteen (14) days. Team 125 has not made any previous request for an adjournment or extension.

Respectfully submitted,

GREENSPOON MARDER LLP

/s/ Roy Taub

Roy Taub, Esq.

cc: All Counsel of Record

Application GRANTED. Plaintiff's time to respond to Defendant's motion to dismiss is extended to **February 25, 2021**. Should Plaintiff file a response in opposition to Defendant's motion to dismiss rather than an amended complaint, Defendant's time to reply is extended to **March 4, 2021**. The February 19, 2021 IPTC is adjourned to **March 5, 2021, at 1:30 p.m.** The parties' joint letter and proposed Case Management Plan are due not later than **February 25, 2021**.

SO ORDERED.



2/10/2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE